

## REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 1 and 2 have been amended. The amendments to claims 1 and 2 do not narrow their scope. New claims 5-11 has been added.

This amendment adds and changes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-11 are now pending in this application.

### *Information Disclosure Statement*

For Reference A4 submitted in the Information Disclosure Statement filed on June 12, 2002, the Form PTO SB/08 attached to the Office Action contains line through the reference listing as well as the examiner's initials. Applicant understands the indication as being that the examiner did in fact consider the reference. For sake of clarity, the examiner is requested to provide another initialed SB/08 form. A clean SB/08 form is attached for the examiner's convenience.

### *Rejection under 35 U.S.C. § 103*

Claims 1-4 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,342,762 to Young et al. ("Young") in view of U.S. Patent No. 4,435,219 to Greigger et al ("Greigger") and JP 09-124976. Applicants respectfully traverse this rejection for at least, referred to as being "Sakai" ("JP '976") which Applicants understand as being the reference cited in the IDS filed February 16, 2001.

Independent claim 1 is directed to a coloring coating agent. The coloring coating agent comprises a pigment which is a mixture comprised of a red rouge pigment and a yellow organic pigment, where the red rouge pigment has a particle size of 0.1 to 0.3  $\mu\text{m}$ . Thus, the coloring coating agent of claim 1 has a red rouge pigment particle size of greater than 0.1  $\mu\text{m}$ .

The references cited in the rejection, Young, Greigger and JP '976, do not disclose or suggest a coloring coating agent with the recited red rouge pigment particle size, nor would the particle size be obvious in view of these three references.

The Office Action specifically acknowledges that none of the references of Young, Greigger and JP '976 disclose the claimed red rouge pigment particle size, but states that the claimed size would have been obvious. Applicants respectfully disagree.

None of the references have any teaching or suggestion to use a red rouge pigment with a particle size as recited in claim 1, and using such a particle size has not been shown to be well understood in a coloring agent as claimed.

In fact, the references *teach away* from a particle size of less than 0.1  $\mu\text{m}$ . Of the three references cited in the rejection, only JP '976 discloses a particle size for red rouge pigment. JP '976, however, discloses that it is necessary to use a particle size of less than 0.1  $\mu\text{m}$  in order to obtain the required yellow chromaticity (JP '976 is described in the present application, bridging paragraph, pages 1-2). Thus, the recited red rouge particle size in claim 1 is not obvious in light of the clear *teaching away* by JP '976.

Moreover, the coloring coating agent of claim 1 provides advantages due to the recited red rouge particle size and specified composition not suggested by any of the references cited in the rejection. The coloring coating agent of claim 1 provides a film with excellent thermal cracking resistance, and stable long term yellow luminescence, for example (See Summary of Invention and Examples in the specification). These advantages are not realized by the references cited in the rejection for a coating agent with the red rouge particle size as recited in claim 1.

New claims 5-11 have been added to further recite features of the present invention. Claims 5-8 ultimately depend from claim 1, and are patentable for at least the reasons noted in connection with claim 1. Claim 9 refers to the subcombination feature of the pigment that is used in the coloring agent, and recites a red rouge pigment having a particle size of 0.1 to 0.3  $\mu\text{m}$ . Claim 9 is patentable for essentially the same reasons as noted in connection with

claim 1. Claims 10 and 11 depend from claim 9, and are patentable at least based on this dependency. Support for the new claims is found throughout the specification.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date

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By

Thomas G. Bilodeau

FOLEY & LARDNER LLP

Customer Number: 22428

Telephone: (202) 945-6162

Facsimile: (202) 672-5399

Pavan K. Agarwal

Registration No. 40,888

Thomas G. Bilodeau

Registration No. 43,438

Attorneys for Applicant